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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,020	01/18/2001	Ji Zhang	CISCP158/3179	8083
22434	7590	12/20/2007		
BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			EXAMINER AN, SHAWN S	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 12/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/766,020	Applicant(s) ZHANG ET AL.	
	Examiner Shawn S. An	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,11-15 and 26-33 is/are pending in the application.
- 4a) Of the above claim(s) 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,11-15 and 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. As per Applicant's instructions as filed on 1/02/07, claim 30 has been amended, and claims 2, 9-10, and 16-25 have been canceled.

Response to Remarks

2. Applicant's remarks as filed on 10/16/07 have been fully considered but they are not persuasive.

A) The Applicant presents an argument of which Hamilton fails to teach a system wherein both full and partial decompression are performed, but rather at best teaches a system wherein either full or partial decompression are performed; and

B) The Applicant presents another argument of which Haskell teaches away from full-decoding and re-encoding, and therefore Haskell is unavailable as a prior art reference.

However, after careful scrutiny of Hamilton's reference and the Applicant's specification, the Examiner must respectfully disagree, and maintain the grounds of rejection for the reasons that follow.

In response to argument A), Applicant's inventive system, similar to Hamilton's teachings, discloses a system wherein either full or partial decompression are performed based on a selective requantization scheme as shown in Figure 5B.

In other words, based on a selection of the requantization scheme (324), depending on B, P, or I frame, either full or partial decompression is performed, of which Hamilton discloses this concept. The Applicant in fact teaches a system wherein both full and partial decompression are included, but the system actually performs either full or partial decompression based on a selective requantization scheme as shown in Figure 5B.

Therefore, since Applicant didn't claim selective requantization step/means to selectively requantize a portion of the bitstream to represent the Applicant's invention as

a whole, based on broad interpretation of the claim(s) in light of the Applicant's specification, the Examiner maintains the last Office action rejection.

In response to argument B), it is known that the prosecution was reopened due to Haskell's lacking limitation in the currently pending independent claims. However, this does not mean Haskell teaches away from full-decoding and re-encoding, and therefore Haskell is unavailable as a prior art reference. Merely reopening prosecution does not mean that Haskell's reference teaches away from the claims, let alone being unavailable as a prior art reference. Examiner's position is that prosecution was reopened solely due to Haskell's lacking limitation in the currently pending independent claims. Further, Haskell's reference was considered in its entirety. Now, with respect to the currently pending new grounds of rejection for claim 11, Haskell's being utilized for secondary reference is fairly valid, in which Haskell's reference is not only closely relevant art, but was relied upon only for teaching the compressed bit stream and the portion including the P frame, wherein the P frame is the last P frame in a GOP as recited in claim 11. Therefore, it would have been considered obvious to a person of ordinary skill in the relevant art employing a method for converting the bit rate of a compressed bitstream as taught by Hamilton to incorporate Haskell et al's teachings as above so that the P frame is the last P frame in a GOP as an efficient method to perform faster video bit rate matching to accommodate real-time communications.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-5, 8, 14, 26, 28, and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamilton (5,617,142) as previously discussed in the last Office action as filed on 7/27/07.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 12-13, 15, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton (5,617,142) as previously discussed in the last Office action as filed on 7/27/07.

7. Claims 6, 29, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton (5,617,142) in view of Applicant's Admitted Prior Art as previously discussed in the last Office action as filed on 7/27/07.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton (5,617,142) in view of Haskell et al (5,687,095) as previously discussed in the last Office action as filed on 7/27/07.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn S An* whose telephone number is 571-272-7324.

11. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SHAWN AN
PRIMARY EXAMINER

12/16/07